

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
SERIOUS USA, INC.; SERIOUS IP, INC.;
and DXPDD, LLC, :
:
Plaintiffs, :
:
v. : Civil Action No. 08-CV-4808 (GBD) (AJP)
:
CD DIGITAL CARD; CD WORKS; **DECLARATION OF KARINE LOUIS**
DISCMARKERS; IMX SOLUTIONS, INC; **IN SUPPORT OF APPLICATION**
INFINITE MARKETING INC; INGRAM **FOR DEFAULT JUDGMENT**
MICRO INC; L&M OPTICAL DISC, LLC; :
MICROVISION DEVELOPMENT, INC.; :
ONEDISC.COM, INC.; and SONARUS :
CORPORATION, :
:
Defendants. :
:
-----X

I, KARINE LOUIS hereby declare:

1. I am an associate at Dreier LLP, attorneys for Plaintiffs Serious USA, Inc.; Serious IP, Inc.; and DXPDD, LLC ("Plaintiffs"). I submit this Declaration in Support of Plaintiffs' Application for Entry of a Default Judgment against Infinite Marketing Inc. ("Infinite") ("Plaintiffs' Application").
2. I am a member of the Bar of this Court and I am familiar with all the facts and circumstances in this action.
3. The action was commenced on May 22, 2008 and is an action for a judgment of infringement by Infinite of Plaintiffs' patents and for a calculation of damages based on Defendant's sale and manufacture of certain products.
4. Infinite was personally served on May 27, 2008. *See* Docket Item no. 9.

5. Infinite's Answer was due on June 16, 2008.

6. On June 6, 2008, I spoke to Mr. Scott Schulten, counsel for Infinite. During our call Mr. Schulten stated that Infinite wanted to explore settlement opportunities. Mr. Schulten then forwarded written terms for settlement.

7. Mr. Schulten also contacted me on June 12, 2008 in order to discuss an extension of Infinite's time to answer the complaint. I agreed to extend the time to respond to June 30, 2008. Judge Stein thereafter entered an order for the extension. *See* Docket Item no. 17.

8. Prior to a Scheduling Conference before Judge Peck, Mr. Schulten contacted the Court on June 18, 2008 and stated that he was not counsel of record for Infinite and was only hired to explore settlement opportunities. *See* Exhibit A.

9. Following a Scheduling Conference before Judge Peck on June 20, 2008, Mr. Schulten contacted me and indicated that Infinite was going out of business and would not be represented by counsel in this action. *See* Exhibit B. Infinite also withdrew its settlement offer. *Id.*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 23, 2008.

/s/Karine Louis

Karine Louis

SCHULTEN WARD & TURNER, LLP

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FACSIMILE COVER SHEET

JUNE 18, 2008

TO:

KAREN LOUIS, Esq.	212-600-9499
KEITH D. NOWACK, Esq.	212-732-3232
THEODORE C. MAX, Esq.	212-332-3888
TAL DICKERSON, Esq.	212-407-4990
JEFFREY STARFIELD, PRESIDENT – CD WORKS	978-922-5110

FROM: Wm. Scott Schulten, Esq.

FILE NO: 198.001

PAGES INCLUDING COVER: 2

COMMENTS:

RE: *SERIOUS USA, INC., ET AL AGAINST CD DIGITAL CARD, ET AL.*
CIVIL ACTION No. 08 CIV-4808 (SHS) (AJP)

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June 18, 2008

BY TELEFAX

Honorable Andrew J. Peck
U.S. District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, NY 10007-1312

Re: Serious USA, Inc., et al. against CD Digital Card, et al.
United States District Court, Southern District of New York
Civil Action No. 08 CIV 4808 (SHS) (AJP)
Our File No.: 198.001

Dear Judge Peck:

This is in response to your telefax dated June 17, 2008 regarding the above-referenced action. Please be advised that I have not been retained by Infinite Marketing other than to explore settlement possibilities. I am not counsel of record for Infinite Marketing, and will not be able to attend the scheduling conference set for June 20, 2008 at 9:30 AM.

If you have questions or concerns, please contact me.

Yours very truly,

Wm. Scott Schulten

WSS/bb

Cc: Karine Louis, Esq. (via fax)
Keith D. Nowack, Esq. (via fax)
Theodore C. Max, Esq. (via fax)
Tal Dickstein, Esq. (via fax)
Jeffrey Starfield (via fax)

Karine Louis

From: W. Scott Schulten [wss@swtlaw.com]
Sent: Friday, June 20, 2008 3:23 PM
To: Karine Louis
Cc: ez@infinitemarketing.com; nowak@clm.com
Subject: RE: Serious USA, Inc., et al. v. CD Digital Card, et al.; Case No. 08-cv-4808 (SHS)(AJP)

Karine,

Our offer to settle is hereby withdrawn. It is my understanding that Infinite Marketing intends to cease doing business. The company will not be represented in the pending action, as far as I know.

I am sorry that we were not able to resolve the matter under the terms I proposed, but I appreciate any efforts you may have made towards such settlement.

Regards,

Scott Schulten

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From: Karine Louis [mailto:klouis@dreierllp.com]
Sent: Friday, June 20, 2008 2:43 PM
To: greenberg@whafh.com; W. Scott Schulten

7/21/2008

Cc: Seth Ostrow

Subject: Serious USA, Inc., et al. v. CD Digital Card, et al.; Case No. 08-cv-4808 (SHS)(AJP)

Counsel,

Attached is the Scheduling Order that was discussed with the Court today. The attached incorporates dates that were agreed to by the parties at the conference as well as the Court. As instructed by the Court, the attached will be forwarded to the Court for his review and approval today.

Regards,
Karine

Karine Louis
Associate

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